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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 DAMION NATHANIEL BROMFIELD,

10 Petitioner,

11 v.

12 MICHAEL MUKASEY, et al.,

13 Respondents.

CASE NO. C08-1323-TSZ-BAT

REPORT AND RECOMMENDATION

14 Petitioner Damion Nathaniel Bromfield is a native and citizen of Jamaica. On September  
15 3, 3008, he filed an “Extra-Ordinary Writ of Mandamus,” challenging his detention by the U.S.  
16 Immigration and Customs Enforcement (“ICE”), and requesting that the Court order an  
17 individualized bond hearing before an Immigration Judge. (Dkt. 8). On November 28, 2008,  
18 however, respondents filed a Return and Motion to Dismiss, indicating that on October 6, 2008,  
19 petitioner appeared before an Immigration Judge, who entered bond in the amount of \$10,000.  
20 (Dkt. 15, Ex. 1). Respondents have submitted documentation showing that petitioner posted bond  
21 and was released from ICE custody on October 7, 2008. (Dkt. 15, Exs. 2 and 3). Respondents  
22 assert that because petitioner has been accorded all the relief sought in his habeas petition, his  
23 Petition for Writ of Habeas Corpus is now moot and should be denied and dismissed. (Dkt. 15).  
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1 Petitioner has filed a Notice of Change in Address, indicating that he now resides in Portland,  
2 Oregon. (Dkt. 14).

3 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of  
4 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9<sup>th</sup> Cir. 2002).  
5 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer  
6 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.  
7 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9<sup>th</sup> Cir. 1992) (holding that the District Court  
8 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I  
9 recommend that this action be dismissed. A proposed Order accompanies this Report and  
10 Recommendation.

11 DATED this 3<sup>rd</sup> day of December, 2008.

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16 BRIAN A. TSUCHIDA  
17 United States Magistrate Judge  
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